

Willard City Council Meeting  
Jan 11, 2024  
Willard City Council Chambers

The City Council of Willard City met on January 11, 2024, at 6:30 pm in the Council Chambers of the Willard City offices, located at 80 W 50 S, Willard UT 84340.

Present: Travis Mote, Mayor  
Mike Braegger, Council Member  
Rod Mund, Council Member  
Jacob Bodily, Council Member  
Jordan Hulsey, Council Member

Excused: Rex Christensen, Council Member

Staff Present: Colt Mund, City Attorney  
Jeremy Kimpton, City Manager  
Bryce Wheelwright, City Planner  
Susan K. Obray, City Recorder  
Payden Vine, Public Works Director

Others present: Zach Ainsworth, Mike Bastian, Clyde Westley, Ken and Ruth Ormond,  
Diana Baker, Larry Holmes, Lynn Murphy, Rew Wiley, Jay Thackery

## 1. Call to Order

- a. Mayor Travis Mote called the meeting to order at 6:30 pm
- b. Invocation offered by Council Member Hulsey
- c. Pledge of Allegiance led by Council Member Bodily.
- d. Conflict of Interest Declaration
  - i. None.

## 2. Presentation by the Family Support Center

They will do their presentation at the January 25<sup>th</sup> City Council meeting.

3. **Public Hearing regarding Ordinance 2024-01.** The Orchards consists of approximately 81.05 acres. Taking in parcel 01-45-0118, 01-045-0015, 01-045-0032, and 01-045-0016. Representative Mike Bastian.

**Motion: Council Member Mund motioned to open the public hearing. Council Member Braegger seconded the motion. All in favor.**

John Larkin

"I am John Larkin, from South Willard. That piece of ground is just across the railroad. I do not know what you are going to do about your water off that. Where is that water going to go when you put all those houses on that? That piece of ground has water coming from this way and that way and it will be right in the corner, right on that road. I own the ground to the west of there. That water must go somewhere if they build on there. There is no place for it to go except down on me. If you build all these houses and get all those people in there... Eventually it is going to come over the railroad. We farm a lot of ground below that, all of it, and we have cattle trucks going up and down. I am not going to stand for any water coming over."

**Motion: Council Member Braegger motioned to close the public hearing. Council Member Bodily seconded the motion. All in favor.**

#### **4. Open Comment Period**

Nathan Nelson, Farmington, Utah, with IORAA (International Outdoor Recreation Asset Alliance)

"We are partnering with a local community coalition for providing access to Willard Canyon for recreational purposes. We understand the city is considering some arrangements related to city property up the canyon with Granite Construction. Part of that potentially includes maybe some land trades or some easements that are officially recorded for a trail up the canyon. We are not sure, we have not seen anything, we understand the Council might be meeting behind closed doors to have a closed meeting to go over those proposals and plan. For a resolution, this coalition has looked to us to help with some ideas for how to ensure public access continues in the canyon. We also think that maybe we could serve the city in some way as an advisory role at no cost, just to look at some of the other potential benefits of having trails in the canyon system that could go along with the benefits that we hope you are getting from Granite Construction in exchange for any trade you might be doing with them, or any arrangement you might be making with them for their desire to mine further up the canyon. That is our comment. Thank you."

Lynn Murphy, 180 W 100 S, Willard UT

"I would like to address the issue of why this whole trail thing is even an issue. We have a public easement there according to the Prescriptive Road Statute found in 72-5-104 of the Utah Code. It states, 'A road crossing private property becomes a public right of way if it is used by the public continuously for at least ten years.' That is not new to any of you I am sure, we have been stating that. I am not sure why that is not being followed. We have a city attorney; they should know that upside down. I do not understand what is not clear about that. Just wanted to bring that point up. I am happy we have some support right now."

Clyde Westley, 221 E 100 S Willard UT

"Now, I came before the last city council meeting about a year ago with justification, reasoning, and a plan. I asked them to delay any decision on selling the city gravel for ten years. My justification was Granite could not move into city material for ten to twenty years. I spoke with Brad Sweet, and he said it would be closer to ten years. My reasoning was, if Willard City opens a gravel pit, what would stop anyone else? My plan was to protect two parcels of property

around Cook's Canyon owned by a gravel interest for a future pit. If that pit opens, the entire east side of Willard will become a gravel pit. I have been in touch with Daniel Olson from the habitat group with the Division of Utah Wildlife Resources. He said, 'The two parcels are the type of property that the state tries to protect. However, it is an involved process. It can take years to complete.' First, they would have to determine if the purchasing of the land was even an option. He did agree that ten years was a reasonable time. And I figured if it did not happen in ten years, it would not happen. This property is a critical wildlife winter range, and the Bonneville Shoreline Trail passes through both parcels. Federally owned property is almost surrounding it, and just south of the government property is owned by the State of Utah, Brigham Face Wildlife Management area. The state and federal government work together on these areas, keeping ownership separate, but working together for a common goal: Wildlife Management. The Federal government and the state of Utah also have a stake in the Bonneville Shoreline Trail. Bill HR 2551 Bonneville Shoreline Trail Advancement Act was introduced by Utah representative, John Curtis. The Utah State Legislature has created the Bonneville Shoreline Trail program to fund the development of the trail. Governor Spencer Cox has said, "The Bonneville Shoreline Trail is a treat for Utahns and visitors alike." With more public awareness and support, these two parcels could become a higher priority for our state to protect and purchase. I would like to see Willard City strive to protect what is left of the mountain to the east. It is a premier view from Willard Bay. It is also one of the showcases of the mountains along the Wasatch Front, a substantial number of people pass through this area close to this area daily. Thank you for your attention."

Sydney Stevens, Farmington, UT, IORAA

"Our organization is really focused on the benefits of prioritizing recreational assets in communities. Willard really is sitting on a gold mine in a sense of gravel in Willard Canyon. It already has a great reputation with rock climbing and ice climbing communities as well as with hikers. A lot of what our organization does is go into communities that have had previous relationships with mining companies and agricultural companies that quickly decimate the land by overusing and not being prudent with the resources that they use. Of course, you already have relationships with the mining company as it is, but I want to encourage prudence with how much you let them go into the canyon and sell land that you already have. Recreational tourism is a multi-million-dollar industry, and it is growing exponentially. Half of the top 25 most growing sports in the US are all dependent on wilderness spaces. The money to that is quite prominent and has supported a lot of small communities like Willard that are a little more spread across the city in restaurants, direct farm purchases, hospitality, and other things. I would just encourage thoughtful consideration about the way that you can consider your canyon. Not just from an environmental aspect, but from a utilitarian aspect of its value to your city."

**5. 2023 Audit Report presentation by Cami Moss, Child Richards LLC, Chuck Palmer, Christensen, Palmer, and Ambrose.**

Cami Moss from Child Richards CPAs and Advisors gave an update. She stated that the audit was completed before the deadline of December 31, 2023, and posted it to the state auditor's website. She explained that on page one, the Independent Auditor's Report, is the opinion of the auditors. This report states there were no major concerns regarding the following: identifying and assessing the risks of material misstatement, obtaining an understanding of internal controls of the city, evaluating the appropriateness of accounting policies, and concluding whether there are any conditions that are a going concern.

She directed the Council to page 60, which states there were no findings that raised concerns. Willard City followed state laws in all respects. They also evaluated the internal controls, and they were deemed acceptable.

She asked the Council to refer to the most recent financial statements she provided. The fiscal year began on July 1, 2023, so only 50% of the year has passed as of this meeting. The report shows that the revenues to date are over budget by 54.6%. She said this is normal. Expenditures to date are under budget at 42.1%, also normal. She said, overall things are looking good, and Willard is in close alignment with their budget. The taxes have exceeded the budget of revenues and are currently at 72.8%. The main reason for this is the Gravel Tax that started coming in November and December of 2023. The budget will be amended to accommodate these new tax amounts. Licenses are below budget at 39.8%. Planning and zoning are at 46.7%. All other general fund departments are close to or below 50% of expenditure.

She stated there was an additional \$101,000 in the general fund at the end of 2023. These funds must be committed by June 30, 2024. The project that will be covered by these funds must be under contract or spent by June 30, 2024. Cami Moss said that Utah State Law requires the city cannot have an accumulated fund balance of over 35% of the city's revenue in the general fund for that current year. She said Willard is currently at 47%, about \$270,000 above the limit. She recommends moving those funds to capital projects and allowing some of the aging equipment to be replaced. She said there will be some budget amendments made as the end of the fiscal year approaches, which is normal.

77.6% of the capital projects fund has been spent on police vehicles.

The enterprise funds (water and garbage funds) revenues are at the budget at 46.5%, and expenditures are 36%. She said the sewer fund is also looking great.

Council Member Braegger asked about the insurance. He says it is overlooked, "Is that just because of the time of year?" Cami Moss responded that the insurance payment is made yearly, and it was estimated low and might have been underestimated.

**Motion: Council Member Braegger motioned to accept the audit report. Council Member Mund seconded the motion. All in favor. Motion carried.**

## 6. Planning Commission Report

Planning Commission was canceled on January 4, 2024.

## 7. New Business

- a. Discussion/Action on Ordinance 2024-01 Willard City council annexing the Orchard Annexation property into Willard City which has been approved for annexation by the Box Elder County Commission.

Council Member Braegger mentioned that John Larkin's comments have previously been discussed. He said there will have to be a retention facility, which will require the developers to produce a way for the water to remain off Mr. Larkin's land.

Council Member Hulsey asked, "If this gets annexed into Willard, is that kind of cement that we are going to end up annexing all South Willard in? Or can we put a pause on annexing pieces until we figure that part out?" The Mayor said there is this annexation and several more in the pipeline. He said, if we do not take everything in South Willard in, we end up with a pockmarked city. Council Member Hulsey asked how annexing South Willard into Willard City limits would work. Mayor Mote said he has spoken with the County Commissioner Perry about this issue. The county would like Willard City to annex South Willard into city limits. He said the county is supposed to work with their attorneys and discuss setting up a public meeting. There are some concerns in the county about the soil on the west side of the highway being able to contain septic tank waste. If residents in South Willard connect to the Willard sewer line, they will need to be annexed in to cover the sewer expenses. Council Member Mund agreed with the Mayor that further discussion needs to be had about annexing properties one by one or doing a blanket annexation. There is an option for South Willard becoming their own city, which has been turned down in the past. Council Member Hulsey said she has spoken with a few people who are strongly opposed to being annexed into Willard City. Council Member Braegger said the South Willard tax base is low, and the county is aware of that and wants to make some changes. Colt Mund said the county has imposed a municipal tax for South Willard residents, which could lead to them being more in favor of annexing into Willard City.

Council Member Braegger said that the City Council in 2004 completed an annexation zone, which goes to the county line to the south and to the bay to the west. The Annexation Zone indicates land that is continuous to Willard so it could be considered for annexation. Colt Mund explained that the state code requires each municipality to have an annexation zone. The Mayor explained that the county's new ordinance requires that anyone in the annexation zone come to Willard for services. Colt Mund explained that the county would prefer to have South Willard annexed into Willard City, which explains their reasoning behind this ordinance.

Colt Mund reminded the Council of the previous edits to this ordinance: the applicants are compliant with Willard City's Dark Sky ordinance, the HOA will have a one-year

probationary period to determine its viability, and the maximum density being tied to the number of units to be built.

**Motion: Council Member Mund motioned to approve Ordinance 2024-01. Council Member Braegger seconded the motion. Roll call vote. All in favor. Motion carried.**

- b. Present Hadfield Annexation to City Council to deny or accept for further consideration.

This is not an approval of an annexation; this is just to determine if the City Council is interested in moving forward with this annexation. Zach Ainsworth was present and gave some information. Hadfield Construction is a small construction company based in Mississippi and has a branch in Ogden currently. They perform railroad construction. They are looking to build a new location in Willard to replace their Ogden property. It is a 20-acre parcel, and the furthest west 8 acres will be rezoned for commercial use and the other 12 will remain farmland. Council Member Braegger explained there may need to be a new sewer pump installed in the area, or septic tanks will need to be installed. Zach Ainsworth said they have talked with Utah State Water Resources about water, and they are going to redo the well on the property.

Mayor Mote said he did not want to delay Zach Ainsworth's process by hashing it out among the Council. Council Member Braegger agreed they should punt it to the county.

**Motion: Council Member Braegger motioned to deny the annexation request. Council Member Mund seconded the motion. All in favor. Motion carried.**

- c. A request to the City Council from Dave Evans for a streetlight on 300 E and 50 S.

Dave Evans has spoken with Bryce Wheelwright and is worried about his elderly neighbor, Carma Gregerson. He reported that he has chased wildlife away from the area. He would like to request the city put a streetlight up there. The dirt road leading to her house is owned by the city. Council Member Mund asked how much it costs to put in a streetlight. Bryce said the city would have to purchase the fixture, but Rocky Mountain Power would maintain it. Bryce said his solution would be to put a bar light on the building. Council Member Mund said the Council should recommend installing a light on her building. Dave Evans reported that there was solar lighting installed but it did not work well. Mayor Mote said the streetlight would typically go on the corner, which is a distance from their houses. Bryce Wheelwright said he would like to go up there at night to see how dark it is. Council Member Mund said he would like to consider other solutions other than a streetlight. The rest of the Council agreed. Council Member Braegger suggested sending the officers up there to investigate. Mayor Mote said he would be willing to help her install a motion sensor light.

- d. Discussion/Action on the Development Agreement for Kunzler Subdivision.

Moved to January 25, 2024, meeting.

## 8. Minutes & Information

- a. Approval of the December 14, 2023, City Council Meeting minutes.

Moved to January 25, 2024, meeting.

- b. Approval of November 30, 2023, City Council Meeting minutes.

**Motion: Council Member Braegger motioned to approve the November 30, 2023, City Council Meeting minutes. Council Member Mund seconded the motion. All in favor.**

## 9. Financial

- a. Warrants, Vouchers, Reports

## 10. Department Reports

- a. Public Works

Payden Vine, Public Works Director, was present. They have been using the new blue salt that is working better. Payden reported there was an issue with some of the new meters, and Austin from Master Meter was out repairing meters and programming them. They have been working with the Police Department to tag cars left out on the road during the snowstorms.

- b. Police Department

- c. Fire Department

Van Mund told Council Member Mund that he would like to follow up with the survey. Mayor Mote said Van could text him and he will pass it on to Susan.

## 11. Council Member Reports

- a. Mike Braegger

Council Member Braegger mentioned that a resident had recently contacted him about their water bill. The meter went unread for a long time because the Public Works could not locate the meter. When it was finally found and read, the resident was left with a large balance on their bill. The resident was told they did not have to pay it all at once, but they needed to begin paying it off. The resident had made their monthly minimum payment every month and was not aware they were going over their allotted usage. Council Member Braegger has spoken with Michelle Drago about it. He asked how it is

going to be moving forward. Payden Vine said they thought the city was only going to charge them half of the amount. Mayor Mote said that is the case if there is a leak in the water line. Mayor Mote said he does not currently agree with the current policy that residents are required to pay for the water even if they are not using it. He would like the city to be able to shut off the water and leave it off if it is not being used. Payden Vine said they still need to be charged a minimum connection fee.

Council Member Braegger would like to know what he should say to residents about this issue. Mayor Mote said it is the resident's responsibility to keep the meter visible/accessible. Payden Vine said there are several meters that do not line up with the properties. There are 25 meters that have not been located in some time. Mayor Mote said they should contact residents that they are responsible for locating their water meter and tell them they have a month to locate it. Payden said they do their best to locate as many as they can using metal detectors, but still many of these have not been found. Council Member Hulsey suggested calculating the monthly average and using that amount to help them get caught up. Michelle Drago has not been given the discretion to waive these fees, said Mayor Mote.

Payden said they have sent out letters asking people to locate their meters, but they have only received ten responses back. Council Member Mund said it is not right to charge people for water used before the home was purchased, and it can be difficult to tell who should be responsible for the water bill when people move in and out. He suggested that the meters need to be located and then the residents need to be charged according to their water usage from that point on. When unknown meters are located, the residents should not be responsible for the back pay from the time the meter was not read (as long as they have been making a minimum monthly payment). Mayor Mote said he agreed with that but emphasized finding the unknown meters. Colt Mund said he could research what steps need to be taken to find these meters. Council Member Braegger asked that this be added to the next agenda.

Council Member Braegger also brought up the repair project on Hargis Hill Road.

Last year, Flood Control raised the impact fees in district one from .07 to .26 impervious foot. This rate is the same as South Willard's. This change began on January 10, and Bryce Wheelwright is moving forward with it.

The city engineers are working on solutions for north cook's canyon and the flooding that occurred on 200 S. A larger basin needs to be built up above to prevent future flooding. Flood Control and the engineers are working on this project.

Payden reported that some individuals have been ice fishing on the fishing pond, which is dangerous as there is running water in the pond. Council Member Braegger suggested adding a "Dangerous Ice" sign. Payden will look into getting a sign made and posting it.

b. Rod Mund



No updates.

- c. Jacob Bodily

No updates.

- d. Jordan Hulsey

No updates.

- e. Rex Christensen

Excused.

## **12. Next agenda items (January 11, 2024)**

- a. Water Plan.
- b. Approval of the December 14, 2023, City Council meeting minutes.
- c. Discussion/Action on the Development Agreement for Kunzler Subdivision.
- d. Presentation by the Family Support Center.
- e. Colt Mund presentation on the Open Meetings Act.

## **13. Mayor's General Correspondence and Information**

Mayor Mote has been told by another Mayor that he has some eight-millimeter tape of the Willard Bay Construction and possibly some canyon information. He said he is willing to give it to Willard City if Willard is willing to convert it to electronic form. It is around \$100. Bryce Wheelwright said Lisa Clark also has a video of the first blast in the canyon that needs to be converted as well.

Mayor Mote said two more representatives are needed. One to replace Fred Ward on the Mosquito Abatement and one to replace Kaleb Kunzler on the Sewer Board. Council Member Christensen was nominated to be on the Sewer Board, and the Mayor will discuss this with him. Council Member Bodily offered to be on the Mosquito Abatement Board.

Mayor Mote would like to have a planning session about water. It is becoming increasingly important that the city decides what they are going to do with the existing water the city has. There are a lot of requests coming in. Council Member Mund said future projects to improve the water system also need to be discussed. By state law, Willard City needs to have a Water Plan by 2025. An analysis has been done, but it needs to be determined what needs to be in the Water Plan.

Mayor Mote mentioned the monument for Marlene Braegger Jones. It has been suggested that a bench be put in at the Pioneer Cemetery. He asked what Council Member Braegger's thoughts on that were. Council Member Braegger reported they have received some donations and they have put that money away to help with the

monument. Council Member Mund said a bench would be nice, but a plaque would be nice, too. Council Member Hulsey said she knows someone who does laser engraving and will speak with them to get a cost estimate.

#### **14. City Manager's Report**

**Consideration of Motion to Enter a Closed Session** (if necessary) pursuant to UCA §52-4-205 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.

**Motion: Council Member Mund motioned to move into a closed session to discuss mitigation and personnel. Council Member Braegger seconded the motion. All in favor. The meeting entered a closed session.**

**Motion: Council Member Mund motioned to open regular city council meeting. Council Member Bodily seconded the motion. All in favor.**

**Motion: Council Member Mund motioned to finalize Jeremy Kimpton's contract. Council Member Braegger seconded the motion. All in favor. Motion carried.**

**Motion: Council Member Mund motioned to close the January 11, 2024, City Council meeting. Council Member Bodily seconded the motion. All in favor. Meeting closed.**